IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

WP(C).No. 37432 of 2004(F)

PETITIONER:

ANNIE MARIA, ASSISTANT GTRADE 7,
EMPLOYEE NO.651, KERALA AGRO MACHINERY
CORPORATION (KAMCO) ATHANI 683 885,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.A.JALEEL
SRI.T.T.MUHAMOOD

RESPONDENTS:

1. THE MANAGING DIRECTOR,
KERALA AGRO MACHINERY CORPORATION (KAMCO),
ATHANI, 683 885, ERNAKULAM DISTRICT.

2. THE BOARD OF DIRECTORS, KERALA AGRO.
MACHINERY CORPORATION (KAMCO), ATHANI 683 885,
REP. BY THE MANAGING DIRECTOR.

3. THE SECRETARY TO GOVERNMENT,
AGRICULTURAL (PU) DEPARTMENT, SECRETARIAT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

4. K.K.PRABHAKARAN, P.R.O. KERALA AGRO
MACHINERY CORPORATION, ATHANI 683 885,
ERNAKULAM DISTRICT.

5. K.P.JOSEPH, ASSISTANT, KERALA AGRO
MACHINERY CORPORATION, ATHANI 683 885,
ERNAKULAM DIST.

6. VALSALA, ASSISTANT KERALA AGRO MACHINERY
CORPORATION, ATHANI 683 885, ERNAKULAM DIST.

R1 & R2 BY ADV. SRI.ANTONY DOMINIC
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN
SRI.C.T.RAVIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON IA.NO.15785/2005 IN O.P.NO.37432/2004

DISMISSED

15/11/2006 Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1	TRUE COPY OF ORDER DTD. 17/6/97 ISSUED BY THE SENIOR MANAGER, ADMINISTRATION DEPT., KAMCO TO THE PETITIONER.
EXT.P2	TRUE COPY OF SUMMARY OF SETTLEMENT ARRIVED AT BETWEEN MANAGEMENT AND TRADE UNION ON 11/4/1998.
EXT.P3	TRUE COPY OF OFFICE ORDER LNO.L7/2000 DTD. 30/3/2000 ISSUED BY THE IST RESPONDENT.
EXT.P4	TRUE COPY OF REPRESENTATION DTD. 15/12/2003 SENT BY PETITIONER TO THE IST RESPONDENT.
EXT.P5	TRUE COPY OF LETTER DTD. 15/12/2003 SENT BY SECRETARY, KERALA AGRO-MACHINERY CORPORATION EMPLOYEES' UNION TO THE IST RESPONDENT.
EXT.P6	TRUE COPY OF REPRESENTATION DTD. 29/11/2004 SENT BY -DO- -DO-
EXT.P7	TRUE COPY OF REPLY DTD. 1/12/2004 SENT BY IST RESPONDENT TO THE GENERAL SECRETARY, K.A.M.C. EMPLOYEES' UNION.

P.R.RAMAN, J.

W.P.(C).NO.37432 OF 2004

Dated this the 15th day of November, 2006

JUDGMENT

Petitioner is working as Assistant Grade-7 in the Kerala Agro Machinery Corporation. Her grievance is that she was not considered for promotion to the post of Public Relation Officer, which is in the Superintending Grade. She placed reliance on Ext.P2 settlement to press her claim for promotion. The petitioner was admittedly promoted as Assistant Grade-6 on 7/1/1996 and thereafter as Assistant Grade-7 on 7/1/2001. Thus, the petitioner had less than five years of service in Grade-6. As per Ext.P2, the promotion to the post of Superintendent is by selection from Assistants having passed SSLC examination + 5 years service in the post of Assistant in Grade-6. Petitioner could not establish that she had

five years of service in the post of Assistant in Grade-6. In the pre-existing provision the experience need be in the lower category irrespective of the post. It was the said qualification which was amended by the new rule. Thus it is clear that only a person, who is in Grade-6 having a requisite experience, would be entitled for promotion to the post of Superintendent after the amendment. The petitioner, as stated earlier, had less than five years of service in Grade-6. As such she is not eligible to be considered for promotion to the post of Superintendent.

In the result, there is no merit in the writ petition. Accordingly, it is dismissed.

P.R.RAMAN,
JUDGE.

kcv.